IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 1583 OF 2004

Ms. Pallavi Dayaram Alibagkar ..... Petitioner.

versus

Scheduled Tribe Certificate
Secrutiny Committee. Konkan
Dviision,. Thane ..... Respondents.

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Shri Rajiv Patil and Sachin Pande for the petitioner
Shri V.T.Sanglikar for Respondent no.2.
Shri A.P.Vanarse AGP for State

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 9TH MARCH, 2005.

P.C.;

1. By this petition, the petitioner has challenged the order passed by the Caste Scrutiny Committee basically on the ground that it suffers from non application of mind.

2. We have perused the papers and the impugned order. Heavy reliance is placed by the Committee on the fact and probative value of the certificate of the petitioner's father and grandfather which were in existence prior to 1950. They could not therefore have any mention of the person named in that certificate as belonging to anything else than Koli. However the

Committee proceeds to reject the validation of the certificate on the ground that since this certificate do not mention of Mahadeo Koli as caste or tribe, the petitioner has not proved that she belongs to such a tribe. This approach is clearly contrary to law and therefore the order of the Committee is liable to be set aside. It is accordingly set aside and the matter is remitted back to the Committee to decide the caste afresh after taking into consideration the entire evidence available before the Committee. Petition accordingly disposed of.

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